

N. E

Scott. 11-37-20,000-16-11-40

Home - ~~Home~~

(1941) Department

(8)

K.S. - SERIES.

G.O. No. 130 (

(1301)

Dated

14.3.41

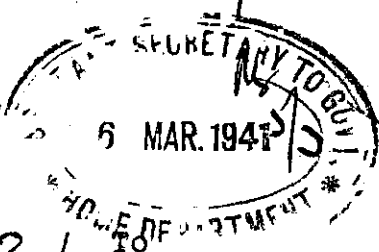
[Despatch Abstract.]

Memorial to His Excellency the Governor-General - Mr/ K. Narayana,
retired amin, D.H.'s court, Udupi - South Kanara district - request for
pension or extension of service - withheld.

Public (for) Dept

Home Dept

by
573



Pub(Poll)

no. 7492-1

5-3-41

544

25/2/41

(Petition by the
vicinity to the
Govt. for the
residency)

Udipi, South Kanara.

(January)

Dated. 30th June/ 1941.

His Excellency The Governor General of India,
New Delhi.

07405E
6-3-41

Humble Memorial of K. Narayana,
Retired Amin, District Munsif's
Court, Udipi, S. Kanara, Madras
Residency.

May it please Your Excellency,

(K)

(Q)

Being highly aggrieved by the orders of the -
Government of Madras passed in G.O. No. Ms. 408 Home - -
Department dated 26-1-1940 and in G.O. Ms. No. 2042 Home
Department, dated 4th May 1940 with-holding his memorial
to Your Excellency through the Government of Madras, the
Memorialist most humbly and respectfully begs to present
this memorial for Your Excellency's kind and sympathetic
consideration:-

The Memorialist joined Government service as a
sweeper in the District Munsif's Court, Udipi, S. Kanara
in about 1904 having completed the Primary standard. He
served successively as sweeper, Dalayath, process-server
and Court-keeper in inferior service for a period of 24
years 2 months and 4 days whereupon he was promoted to
superior service as Amin in the same Court. The Memorialist
has served as Amin for 11 years, 3 months and 23 days -
having been confirmed 9 years and 4 months.

The Memorialist was allowed one year's extension
by the High Court after age 55 but by the time the Memorialist

had served during the period of extension, the rule -- abolishing extensions of service came into force and the memorialist was compulsorily retired, before he had earned his pension under superior service. The Memorialist had not even earned a right to proportionate pension under superior service as he had not completed ¹⁰ 10 years of confirmed service in the superior grade - having completed only 9 years and 4 months after confirmation.

The Government of Madras has held that since the Memorialist has not completed his full period of service in the superior grade, he is entitled only to the pension relating to inferior service, viz., Rs 6/- per month. The Memorialist thus had suddenly to -- retire on a pension of Rs 6/- per mensem although at the -- time of retiring, the Memorialist had been drawing a -- salary of Rs 33/- per month. The Memorialist represented his case as one of peculiar hardship to the Government of Madras and prayed that a reasonable pension may be allowed to him but the prayer was refused. A previous memorial presented to Your Excellency against this order was with-held by the Government of Madras under instructions 7 (d) b (iii) of the instructions for the submission of petitions to the Governor-General in Council.

The Memorialist most humbly submits that he is not liable to be with-held under instructions - relied on by Madras Government as the memorial does not relate to the refusal of a pecuniary or other concession to which the Petitioner is not entitled under any law or statutory rules. The concession herein claimed by the Memorialist is one to which he is entitled under - the Civil Service Regulations and hence statutory and

- G.O. 408 Home
26.1.47 (K)

- G.O. 2042 Home
4.5.40

(Q)
12.2.47
1.44 P.S.
78 1.29

(comes under
statutory rules)

it is humbly submitted that the memorial has been wrongly with-held by the Provincial Government and it is - - accordingly necessary that the Governor General should be pleased to admit this humble memorial. The Memorialist accordingly prays that his case may be graciously - - considered by the benign Central Government and he may be granted redress on the following grounds inter alia:-

1. Your Memorialist had a continuous unblemished service of 35 years, 5 months and 27 days during which he had taken only 8 months' privilege leave on account of illness and only 5 days' casual leave since 1935.

cf. para-
163-49 (K)

4 A-13 1670

This shows the Memorialist's devotion to his service and his attachment to his duties and it commended him to one and all of his superior officers including the High - - Court of Judicature at Madras which held his services - to be "Meritorious" vide R. Dis. 568/38 dated 1-8-38 of the High Court (copy enclosed).

f 5012a

2. Under Article 399 of the Civil Service - - Regulations "the claims of an officer promoted from an inferior to superior grade as a reward for meritorious service will be specially considered by the Government of India or by the Local Government under whom the - - officer is serving".

Extract at (D);
4A-mpp-28 (D)

3. It is submitted that in as much as the -- service of the Memorialist has been held to be meritorious, his case merits special consideration with regard to -- the pension that is to be fixed for him. The Memorialist belongs to a back-ward community (weaver) and had been drawing a salary of Rs 33/- and had come to adjust his life according to this higher salary and suddenly he - finds himself retiring on a pension of Rs 6/- per mensem.

It is most respectfully submitted that this hardship is one which falls to be redressed under the Article under reference.

4. When it is held that under the regulations - the Memorialist had not earned even proportionate pension in the superior grade and that his pension has to be -- fixed with reference to the inferior service, it stands to reason that he should be allowed to have at least -- such concessions and privileges as attach to the inferior service. One such privilege or rather concession is - that a person in inferior service can serve at least - upto age 60 and he need not retire at 55. If the superior service of the memorialist has to be ignored as inadequate in fixing his pension, it is reasonable at least to allow him to serve till his 60th year. To promote the memorialist to superior service and then retire him compulsorily at 55 and refuse him the pension of superior service and at the same time not allow him to serve for the full period of inferior service is an obvious hardship. Your memorialist has sound health and body and can very well put in a few more years' service if allowed to do so.

Your Excellency's Memorialist therefore most humbly prays that after calling for all the connected papers from the Madras Government, Your Excellency may be graciously pleased to fix him a reasonable pension - in view of the extraordinary and special circumstances of his case and in view of his meritorious service under Article 399 of the Civil Service Regulations,

or

That his superior service may be ignored and he may be restored to inferior service and be allowed to serve in that service until his 60th year.

Signature

Memorialist

Proceedings of the High Court of Judicature at Madras.

Subject:- Appeal-petition-K.Narayana, Amin, District --
Munsif's Court, Udipi- Against refusal of extension of
service-allowed.

Read- the following paper:-

1. Appeal petition dated 30-6-38 from K. - -
Narayana, Amin.
2. Letter Dis. No. 3633 dated 4-7-1938 from -
the District Judge, South Kanara.

O r d e r:- R.Dis. No. 566/38 dated 1st August 1938.

The appellant has had a meritorious service. Lack of knowledge of English was not considered a bar to his appointment as Amin nor to his continuance in that post. It is no reason therefore for his premature retirement. The appeal is therefore allowed.

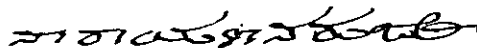
2. The intervening period from 1st July 1938 till the Appellant rejoins duty should be treated as such - leave to which he may be eligible.

Sd/- S. Appasami Pillai.

For Deputy Registrar, App. Side.

(True Copy).

Dated. 4-11-40.



DRAFT FOR APPROVAL.

House rept

	Date.	Initials.
When received for fair copying ..	51/14-3	
When copied ..		
When examined ..		
When signed ..		
When despatched.		

SUBJECT:—

Memorial to H.E. the Govr. General - Sri K. Narayana, retired army, St. Mungifs Court, Idipi - S. Kanara St. - Request for enhanced pension or extension of service - Withheld

READ AGAIN _____, dated _____ 19

" " Gov. 2042 Home " 4.5.40. (6) 19
2692 " " 24.6.40. (M)

READ ALSO:— C.No. 7485E From Sri K. Narayana, Idipi Petu No. mt; dated 30.1.1941 pp1-4cf

" " " " " " 19
" " " " " " 19

Order / Ms No. 1301, dated 14-3 19 41
Resolution Rout.

cf. precedent Gov 2692 (M)
24.6.40 ps
pp 14cf

The memorialist should be informed that his memorial dated 30.1.41 addressed to H.E. the Govr. General of India has been withheld under instructions 7(1) and (13) of the instructions for the submission of petitions to the Govr. General in Council, reproduced below: [H.E. instructions 7(1) & (13)]

not sent thru proper channel.
f. 20/96 1544 PS [O]
18-4-39
24/6/39
11/3

The Honble the CG (with CC)
Copy to the Fin (Pen) Dept
Copy for file

11.3.41.
11/3
12/3

(Need not be entered in the withheld memorial list - cf. Pub (G.O.) memo. 30222-7 d. 30.1.41.)
4/3/41
A



Received.....1941.

Registered.....1941.

Abstract.

Memorial to His Excellency the Governor-General- Sri K.Narayana, retired/amin, District Munsif's Court, Udipi - South Kanara district - request for enhanced pension or extension of service - Withheld.

Home Department.

G.O.No.Ms. 1301

dated 14th March 1941.

Read :-

G.O.No. 2042 Home, dated 4th May 1940.

G.O.No. 2672 Home, dated 24th June 1940.

From Sri K.Narayana, Udipi, Petition No nil dated 30th January 1941.

O R D E R :-

The memorialist should be informed that his memorial dated 30th January 1941 addressed to His Excellency the Governor-General of India has been withheld under instructions 7(1) and (13) of the instructions for the submission of petitions to the Governor-General in Council, reproduced below.

7. ^{Circumstances} ~~Conditions~~ in which petitions may be withheld :- The

Provincial Government may, at discretion, withhold a petition when

(1) the petitioner has not complied in full with the provisions of part II of these instructions,

(13) ^X the petition is a representation against the withholding of a petition by an authority competent to do so.

(By order of His Excellency the Governor)

A.R. Macbwen,
Secretary to Government.

To the Honourable the Chief Justice (with a.l.)
Copy to the Finance(Pension) department.
(True Copy)

F o r w a r d e d

(By order)

Superintendent.

In.